

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICKAYLA LYNNE MARIE P.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

CASE NO. 3:22-CV-5183-DWC

ORDER AFFIRMING DEFENDANT'S
DECISION TO DENY BENEFITS

Plaintiff filed this action, pursuant to 42 U.S.C. § 405(g), for judicial review of Defendant's denial of Plaintiff's applications for disability insurance benefits ("DIB"), supplemental security income ("SSI"), and child disability benefits ("CDBD"). Pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73 and Local Rule MJR 13, the parties have consented to have this matter heard by the undersigned Magistrate Judge. *See* Dkt. 2.

After considering the record, the Court concludes the Administrative Law Judge ("ALJ") did not err in rejecting the medical opinion of Dr. Hartinger. Accordingly, the Court affirms the ALJ's decision in finding plaintiff not disabled.

1 Hartinger found Plaintiff markedly limited with the following: performing activities within a
2 schedule, maintaining regular attendance, and being punctual within customary tolerances
3 without special supervision; communicating and performing effectively in a work setting; and
4 completing a normal work day and work week without interruptions from psychologically based
5 symptoms. *See* AR 449-50.

6 The ALJ did not find Dr. Hartinger's opinion persuasive, because it was (1) "not
7 supported by a citation to any objective medical findings," (2) plaintiff's mental status during the
8 evaluation was almost entirely within normal limits, and (2) inconsistent with plaintiff's
9 improvement after using prescribed medications. *See* AR 25.

10 Plaintiff filed her applications after March 27, 2017. AR 70, 79, 88, 100. Under the
11 applicable rules, the ALJ must "articulate how [he] considered the medical opinions" and "how
12 persuasive [he] find[s] all of the medical opinions" by considering their supportability,
13 consistency, relationship with the claimant, specialization, and other factors. 20 C.F.R. §§
14 404.152c(c); 416.920c(c). The ALJ is specifically required to consider the two most important
15 factors, supportability and consistency. 20 C.F.R. §§ 404.1520c(a); 416.920c(a).

16 The supportability factor requires the ALJ to consider the relevance of the objective medical
17 evidence and the supporting explanations presented by the medical source to justify their
18 opinion. 20 C.F.R. §§ 404.1520c(c)(1); 416.920c(c)(1). The consistency factor involves
19 consideration of how consistent a medical opinion is with the other record evidence. 20 C.F.R.
20 §§ 404.1520c(c)(2); 416.920c(c)(2).

21 In this case, though the ALJ improperly found Dr. Hartinger's opinion unsupported by
22 any citations to objective medical findings, the ALJ nonetheless reasonably rejected her opinion
23 because it was unsupported by the results of Plaintiff's mental status exam. The ALJ first
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1 rejected Dr. Hartinger’s opinion because it was unsupported by “a citation to any objective
2 medical findings.” AR 25. However, Dr. Hartinger rendered an opinion after reviewing
3 Plaintiff’s records and conducting a mental status exam, the latter of which is considered an
4 objective measure. *See* Dkt. 10, p. 6; *Buck v. Berryhill*, 869 F.3d 1040, 1049 (9th Cir. 2017)
5 (finding that a clinical interview and a mental status evaluation are considered “objective
6 measures”). Thus, in rejecting Dr. Hartinger’s opinion because it was unsupported by objective
7 findings, the ALJ erred.

8 However, the ALJ did not err in rejecting Dr. Hartinger’s opinion because of the results
9 of Plaintiff’s mental status exam. Dr. Hartinger opined that Plaintiff would have several marked
10 limitations in certain basic work activities such as attendance, communication, and completing a
11 work day without interruptions from her mental health impairments. AR 449-50. Yet, Plaintiff’s
12 own mental status exam, administered by Dr. Hartinger herself, shows that despite Plaintiff’s
13 anxious mood, Plaintiff’s thought process and content, orientation, perception, memory, fund of
14 knowledge, concentration, abstract thought, and insight and judgment were all within normal
15 limits. AR 451.

16 Plaintiff argues that the ALJ’s rejection of Dr. Hartinger’s opinion is insufficient because
17 the ALJ’s explanation that Dr. Hartinger’s mental status exam showing Plaintiff was “almost
18 entirely within normal limits . . . inherently acknowledges that the exam result was not entirely
19 within normal limits.” Dkt. 10, p. 6. Further, in her Reply, Plaintiff points out, “The mental status
20 exam, while certainly a valuable diagnostic tool, is not the end-all and be-all of psychoanalysis.”
21 Dkt. 12, p. 2. But Plaintiff does not show which part of Dr. Hartinger’s opinion does not support
22 the ALJ’s reasonable conclusion, nor does Plaintiff present any further argument or authority as
23 to why this Court should disregard Dr. Hartinger’s mental status exam. Under the supportability
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1 factor of the new regulations, a medical opinion's persuasiveness is based on the relevance of
2 "the objective medical evidence and supporting explanations presented by the medical
3 source." *See* 20 C.F.R. §§ 404.1520c(c)(1); 416.920c(c)(1). Here, in rejecting Dr. Hartinger's
4 opinion, the ALJ identified the physician's own mental status exam, which, as Plaintiff herself
5 acknowledged, is an objective medical measure. Dkt. 10, p.6. And because the mental status
6 exam results undermined the Dr. Hartinger's marked limitations, the Court cannot say the ALJ
7 unreasonably rejected Dr. Hartinger's opinion because it lacked supportability. Accordingly, the
8 Court finds the ALJ did not err in rejecting Dr. Hartinger's opinion.

9 Further, because the ALJ has provided at least one valid reason to reject Dr. Harbinger's
10 opinion, the Court need not further assess whether the other reason offered by the ALJ is
11 erroneous. Even if that reason were insufficient, any error would be harmless. *See Carmickle v.*
12 *Comm'r, Soc. Sec. Admin.*, 533 F.3d 1155, 1162 (9th Cir. 2008) (including an erroneous reason
13 among other reasons to discount a claimant's credibility does not negate the validity of the
14 overall credibility determination and is at most harmless error where an ALJ provides other
15 reasons that are supported by substantial evidence).

16 CONCLUSION

17 Based on the foregoing reasons, the Court hereby finds the ALJ properly concluded
18 Plaintiff was not disabled. Accordingly, Defendant's decision to deny benefits is affirmed and
19 this case is dismissed with prejudice.

20 Dated this 12th day of September, 2022.

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22 David W. Christel
23 United States Magistrate Judge
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